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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,334	10/14/2003	Terry Brayton	BR64-001	7205
21567	7590	11/01/2004	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,334

Applicant(s)

BRAYTON, TERRY

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-16 and 19-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3711

Applicant's election without traverse of the Fig. 1 embodiment in the 8/31/04 response is acknowledged.

Claims 4, 5, 17, and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the 8/31/04 response.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 10, 11, 14, 16, 19, 20, and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dean.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 7, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazeltine in view of Dean.

Hazeltine discloses the claimed device with the exception of the bridge. However, as disclosed by Dean it is known in the art to provide such. It would have been obvious to one of ordinary skill in the art to have added such to Hazeltine's game as well to add further interest to it.

Concerning claims 6, 7, and 24, note that Hazeltine's device may be folded at a midpoint or beyond a midpoint of the device.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dean. Dean's device is designed to be placed as desired on the frame. It would have been obvious to one of ordinary skill in the art to have placed it midway on the frame if such an effect was desired by the golfer.

Claims 12, 15, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kantner et al. (Kantner) in view of Dean. Kantner discloses the claimed device with the exception of the bridge. However, as disclosed by Dean it is known in the art to provide such. It would have been obvious to one of ordinary skill in the art to have added such to Kantner's game as well to add further interest to it.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 12 above, and further in view of Weasley. Claim 13 is obviated for the reasons expressed in the claim 12 rejection with the exception of the resilient portion. However, as disclosed by Weasley it is known in the art to provide such on semicircular golf hole targets. It would have been obvious to one of ordinary skill in the art to have done the same on Kantner's holes if it was desired to practice Weasley's putting method.

Holcombe, Martin, Adams, Kamal, Mason, Coleman, MacLean, Isaza, Maurer, Coombs et al., Midana, and Park have been cited for interest because they disclose similar devices.

Application/Control Number: 10/686,334


Page 4

Art Unit: 3711

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG

10/25/04



Mark S. Graham
Primary Examiner